

PUBLIC CHAPTER NO. 486
(Corrected copy)

SENATE BILL NO. 2260

By Kyle, Kilby, Marrero

Substituted for: House Bill No. 2308

By Odom

AN ACT to relative to state parks and to amend part 1 of Chapter 1 of Title 11 of the Tennessee Code.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 11-1-109, is amended by designating the existing language as subsection (a) and adding the following subsections:

(b) In addition to the foregoing criminal penalty, the General Assembly finds that it is appropriate that there be the following civil sanction as well. Any person who does any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs:

(1) any damage or vandalism to any state park;

(2) the intentional removal or destruction in state parks of any rare, threatened or endangered species of plants as provided in §§ 70-8-304(2) and 70-8-305, and in all rules and regulations promulgated pursuant to such sections; or

(3) any other violation of this part or the rules promulgated hereunder.

(c) The commissioner, through the attorney general and reporter, may institute proceedings for assessment in the chancery court of Davidson County or in the chancery court of the county in which all or part of the violation occurred, in the name of the department. In any such action, the commissioner may also recover, in addition to the civil penalty assessed under subsections (b) and (d), for any damages to the state parks that were the result of the activity.

(d) In assessing the civil penalty, the court may consider the following factors:

(1) whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(2) damages to the state park, including compensation for loss or destruction of any part of the area, resulting from the violation, as well as expenses involved in enforcing this section and the costs involved in rectifying any damage;

(3) the cause of the violation; and

(4) any economic benefit gained by the violator.

(e) Any civil penalties paid to the state pursuant to this section shall be deposited in the state park fund created by § 11-3-302.

(f) No provision of this act shall be construed to restrict the state of Tennessee from recovering civil damages to state property as provided by law.

SECTION 2. Tennessee Code Annotated, Title 11, Chapter 1, Part 1, is further amended by adding the following as an appropriately designated new section:

() The commissioner may initiate proceedings in the chancery court of Davidson County or the county in which the activities occurred against any person who is alleged to have violated or is about to violate this part or the rules promulgated hereunder. In such action the commissioner may seek, and the court may grant, injunctive relief and any other relief available in law or equity.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 6, 2007


RON RAMSEY
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 22nd day of August 2007



PHIL BREDESEN, GOVERNOR